

## **EXHIBIT 3**

## Leon N. Patricios

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**From:** Cagney, Craig <craig.cagney@davispolk.com>  
**Sent:** Wednesday, February 24, 2021 6:43 PM  
**To:** Leon N. Patricios; Tony Korvick; Flynn, Michael S.; Hamburg, Robert (RHamburg@mayerbrown.com); Hanchet, Mark G. (MHanchet@mayerbrown.com); 'Schneier, Sharon' (sharonschneier@dwt.com); MohammadPathan@dwt.com; Boyle, Joseph (JBoyle@KelleyDrye.com); rward@kelleydrye.com; Sandler, Erick M. (emsandler@daypitney.com); Scott, Jeffrey M.; kchewning@archerlaw.com; mbyroade@kelleydrye.com; Newt Porter; Nathan Tarnor; Feigenbaum, Steven (sfeigenbaum@katskykorins.com)  
**Cc:** Joseph Zumpano; Nicholas Rostow  
**Subject:** RE: updated draft Joint Letter - Please use this draft  
**Attachments:** Change-Pro Redline - SDNY Joint Letter to Judge Schofield 2-21-21 and SDNY Joint Letter to Judge Schofield 2-21-21\_citi comments-94204021-v4.pdf; SDNY Joint Letter to Judge Schofield 2-21-21\_citi comments (2).DOCX

Tony and Leon,

Attached is a proposed draft reflecting Citibank's comments. We've conferred with counsel for Sumitomo and JPMorgan Chase, and they are in agreement on this more streamlined approach. We generally shared Caballero's view that the letter should be more neutral. The garnishee banks do not believe it is appropriate for them to join some of the characterizations or arguments in the original draft in light of the active disputes. The parties are obviously free to make those arguments and points by separate letter, if they believe the court should consider them in connection with the status conference.

We also preferred Caballero's proposed statement of the case, because we think it provided a clearer guide on the relevant parties and issues, and will put Judge Schofield in a better position to digest and start managing the various work streams she is inheriting.

We're happy to arrange a call to discuss these comments in light of tomorrow's deadline.

Regards,  
Craig

Craig Cagney

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**From:** Leon N. Patricios <lpatricios@zplaw.com>  
**Sent:** Wednesday, February 24, 2021 5:20 PM  
**To:** Tony Korvick <TKorvick@porterandkorvick.com>; Cagney, Craig <craig.cagney@davispolk.com>; Flynn, Michael S.

<michael.flynn@davispolk.com>; Hamburg, Robert (RHamburg@mayerbrown.com) <RHamburg@mayerbrown.com>; Hanchet, Mark G. (MHanchet@mayerbrown.com) <MHanchet@mayerbrown.com>; 'Schneier, Sharon' (sharonschneier@dwt.com) <sharonschneier@dwt.com>; MohammadPathan@dwt.com; Boyle, Joseph (JBoyle@KelleyDrye.com) <JBoyle@KelleyDrye.com>; rward@kelleydrye.com; Sandler, Erick M. (emsandler@daypitney.com) <emsandler@daypitney.com>; Scott, Jeffrey M. <jscott@archerlaw.com>; kchewning@archerlaw.com; mbyroade@kelleydrye.com; Newt Porter <NPorter@porterandkorvick.com>; Nathan Tarnor <nathant@hbsslaw.com>  
Cc: Joseph Zumpano <jzumpano@zplaw.com>; Nicholas Rostow <nrostow@zplaw.com>  
Subject: RE: updated draft Joint Letter - Please use this draft

Tony,

You should make your substantive arguments to an appellate court (as none have decided the issue), not this group. I don't believe the Second Circuit (where we are all going to end up) is going to reward your side for attempting to modify the Judge's clear delineation of compensatory v treble damages through the repeated insertion of the word "compensatory" before each of the figures set forth in a final judgment provided by your team to a clerk of court that thereafter rubber stamped your submission.

Leon

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Tony Korvick <TKorvick@porterandkorvick.com>

Date: 2/24/21 4:14 PM (GMT-05:00)

To: "Leon N. Patricios" <lpatricios@zplaw.com>, "Cagney, Craig (craig.cagney@davispolk.com)" <craig.cagney@davispolk.com>, "Flynn, Michael S. (michael.flynn@davispolk.com)" <michael.flynn@davispolk.com>, "Hamburg, Robert (RHamburg@mayerbrown.com)" <RHamburg@mayerbrown.com>, "Hanchet, Mark G. (MHanchet@mayerbrown.com)" <MHanchet@mayerbrown.com>, "'Schneier, Sharon' (sharonschneier@dwt.com)" <sharonschneier@dwt.com>, MohammadPathan@dwt.com, "Boyle, Joseph (JBoyle@KelleyDrye.com)" <JBoyle@KelleyDrye.com>, rward@kelleydrye.com, "Sandler, Erick M. (emsandler@daypitney.com)" <emsandler@daypitney.com>, "Scott, Jeffrey M." <jscott@archerlaw.com>, kchewning@archerlaw.com, mbyroade@kelleydrye.com, Newt Porter <NPorter@porterandkorvick.com>, Nathan Tarnor <nathant@hbsslaw.com>

Cc: Joseph Zumpano <jzumpano@zplaw.com>, Nicholas Rostow <nrostow@zplaw.com>

Subject: RE: updated draft Joint Letter - Please use this draft

Leon,

The treble damages issue was squarely raised by Lopez Bello in the SDNY Stansell action long ago, and it has been fully briefed in the Phase I briefings.

Lopez Bello's treble damages argument was squarely rejected by SDFL Judge Scola, and again by MDfL Judge Honeywell, and he has pending appeals from both. In fact, after Judge Honeywell denied Lopez' Rule 60(a) motion, she entered yet another turnover judgment again expressly determining that Plaintiffs' judgment is for compensatory damages. Also, following the June 15, 2010 Judgment, Judge Lazzara entered 10 subsequent post-judgment orders spanning roughly five years' of execution efforts, each time reiterated and recounted unambiguously that "Plaintiffs' Judgment is solely for compensatory damages", or that "Plaintiffs have a federal district court judgment for compensatory damages only[.]"



Mr. Caballero also raised this argument in the SDFL, and Judge Scola again rejected same. Mr. Caballero then appealed and his appeal was recently dismissed for lack of jurisdiction.

The parties in *Stansell* are filing a Joint Letter that clearly alerts the court of the pending treble damages issue, indeed it is one of the enumerated four Phase I issues that Judge Carter directed the parties to brief.

Our current draft letter already alerts the court at p. 5 that Mr. Caballero—when he becomes a party—“will assert the same issue,” as well as the other positions Mr. Caballero will raise vis a vis venue etc.

The banks—*actual parties* in *Stansell*—all have competent counsel, and they can surely speak for their own clients regarding any proposed changes they are requesting.

Respectfully,

Tony Korvick, Esq.  
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**From:** Leon N. Patricios [<mailto:lpatricios@zplaw.com>]  
**Sent:** Wednesday, February 24, 2021 3:34 PM  
**To:** Tony Korvick; Cagney, Craig ([craig.cagney@davispolk.com](mailto:craig.cagney@davispolk.com)); Flynn, Michael S. ([michael.flynn@davispolk.com](mailto:michael.flynn@davispolk.com)); Hamburg, Robert ([RHamburg@mayerbrown.com](mailto:RHamburg@mayerbrown.com)); Hanchet, Mark G. ([MHanchet@mayerbrown.com](mailto:MHanchet@mayerbrown.com)); 'Schneier, Sharon' ([sharonschneier@dwt.com](mailto:sharonschneier@dwt.com)); [MohammadPathan@dwt.com](mailto:MohammadPathan@dwt.com); Boyle, Joseph ([JBoyle@KelleyDrye.com](mailto:JBoyle@KelleyDrye.com)); [rward@kelleydrye.com](mailto:rward@kelleydrye.com); Sandler, Erick M. ([emsandler@daypitney.com](mailto:emsandler@daypitney.com)); Scott, Jeffrey M.; [kchewning@archerlaw.com](mailto:kchewning@archerlaw.com); [mbyroade@kelleydrye.com](mailto:mbyroade@kelleydrye.com); Newt Porter; Nathan Tarnor  
**Cc:** Joseph Zumpano; Nicholas Rostow  
**Subject:** RE: updated draft Joint Letter - Please use this draft

Tony

We have been filing papers with Judge Carter without objection for months, and Judge Carter has treated us as a party. Again, we believe a neutral description is more appropriate (as we drafted). Also, your statement that it is just Lopez-Bello and Caballero that will raise the compensatory damages issue is utterly false. Do think the financial institutions want to turn over funds in violation of law? Recall they are bound by OFAC blocking regulations not to turn over blocked funds unless a TRIA compliant turnover judgment is entered. The threshold issue before all the financial institutions is whether or not a turnover judgment is TRIA compliant when it orders turnover of the full amount of a terrorist victim's treble damages judgment.

We respectfully request that you reconsider your approach. If not, we will be notifying the Court of your refusal to allow us to participate in the drafting process through a separate letter that advises the Court of our interests.

Leon

**From:** Tony Korvick <[TKorvick@porterandkorvick.com](mailto:TKorvick@porterandkorvick.com)>

**Sent:** Wednesday, February 24, 2021 2:36 PM

**To:** Cagney, Craig ([craig.cagney@davispolk.com](mailto:craig.cagney@davispolk.com)) <[craig.cagney@davispolk.com](mailto:craig.cagney@davispolk.com)>; Flynn, Michael S. ([michael.flynn@davispolk.com](mailto:michael.flynn@davispolk.com)) <[michael.flynn@davispolk.com](mailto:michael.flynn@davispolk.com)>; Hamburg, Robert ([RHamburg@mayerbrown.com](mailto:RHamburg@mayerbrown.com)) <[RHamburg@mayerbrown.com](mailto:RHamburg@mayerbrown.com)>; Hanchet, Mark G. ([MHanchet@mayerbrown.com](mailto:MHanchet@mayerbrown.com)) <[MHanchet@mayerbrown.com](mailto:MHanchet@mayerbrown.com)>; 'Schneier, Sharon' ([sharonschneier@dwt.com](mailto:sharonschneier@dwt.com)) <[sharonschneier@dwt.com](mailto:sharonschneier@dwt.com)>; [MohammadPathan@dwt.com](mailto:MohammadPathan@dwt.com); Boyle, Joseph ([JBoyle@KelleyDrye.com](mailto:JBoyle@KelleyDrye.com)) <[JBoyle@KelleyDrye.com](mailto:JBoyle@KelleyDrye.com)>; [rward@kelleydrye.com](mailto:rward@kelleydrye.com); Sandler, Erick M. ([emsandler@daypitney.com](mailto:emsandler@daypitney.com)) <[emsandler@daypitney.com](mailto:emsandler@daypitney.com)>; Scott, Jeffrey M. <[jscott@archerlaw.com](mailto:jscott@archerlaw.com)>; [kchewning@archerlaw.com](mailto:kchewning@archerlaw.com); [mbyroade@kelleydrye.com](mailto:mbyroade@kelleydrye.com); Newt Porter <[NPorter@porterandkorvick.com](mailto:NPorter@porterandkorvick.com)>; Nathan Tarnor <[nathant@hbsslaw.com](mailto:nathant@hbsslaw.com)>

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**Subject:** updated draft Joint Letter - Please use this draft

Dear Counsel:

In re-reading Judge Schofield's Order ECF 184, this Order only applies to "parties".

Antonio Caballero is not a party in this case. He is not a defendant in any interpleader in the Stansell case, and he has yet to file his motion to intervene. He is therefore not included as a signator party on this Feb. 25 joint letter.

Nevertheless, we have included a detailed section on Mr. Caballero's expected filings/positions as a future interpleader defendant in response to par. 3 (iv) of Order ECF 184.

Please use this as the operative draft when sending any further proposed changes.

Thank you,

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